

CARL C. ROBINSON

IBLA 74-58

Decided February 5, 1974

Appeal from decision by Eastern States Office, Bureau of Land Management, rejecting acquired lands oil and gas lease offer ES 11218 (Louisiana).

Affirmed as modified.

Oil and Gas Leases: Generally--Oil and Gas Leases: Lands Subject to--Oil and Gas Leases: Noncompetitive Leases

Acquired land formerly included in a terminated oil and gas lease may be leased only in compliance with the simultaneous filing procedures set out in 43 CFR 3112. A noncompetitive oil and gas lease offer is properly rejected where the land which is the subject of such offer has not been posted as available for the filing of lease offers as prescribed by the pertinent regulation.

APPEARANCES: Carl C. Robinson, pro se.

OPINION BY MR. RITVO

Carl C. Robinson has appealed from a decision dated June 19, 1973, in which the Eastern States Office, Bureau of Land Management, rejected a noncompetitive oil and gas offer, ES 11218, to lease acquired lands of the United States in the State of Louisiana. The Government rejected the lease offer in its entirety on the basis that appellant's application had failed to provide an adequate description of the land and was not accompanied by a map of the area.

On appeal, appellant essentially maintains that his description of the subject land was adequate and that he was unable to find any regulation which required a map to be enclosed with the lease application.

We need not reach the issues of whether appellant has adequately described the subject land or was required to tender a map, 1/ as the lease offer must be rejected on the ground that the land sought by appellant was not available for further oil and gas leasing at the time he filed his application.

The record indicates that the subject land had been included in a prior lease, BLMA 056573, which terminated on June 30, 1972. Appellant's lease offer was filed on October 26, 1972. 2/ A Mineral Leasing Status Report dated November 16, 1972, indicates that at the time appellant filed his application, the land had not been posted as available for leasing. A subsequent "recheck" Status Report dated August 13, 1973, states that the land was not listed as open for leasing until January of 1973. Following this posting, a drawing was held as provided in 43 CFR 3112, in which simultaneous oil and gas lease offer ES 11622 was drawn for the subject land.

Appellant states in his Reasons for Appeal that employees of the U.S. Geological Survey Office, Shreveport, Louisiana, 3/ informed him in October of 1972 that the subject land was open for oil and gas leasing. This information was only partly correct. While the land was open to oil and gas leasing, it was not subject to the filing of over-the-counter lease offers.

Land formerly included in a terminated oil and gas lease may be leased only in compliance with the simultaneous filing procedures set out in 43 CFR 3112. The regulation provides that a list of all terminated leases shall be posted in the land office on a certain date together with a notice that such lands will be subject to the filing of simultaneous lease offers for a period of five working days thereafter. 43 CFR 3112.1-2. Appellant's noncompetitive oil and gas lease offer was properly rejected as the land applied for had not yet been posted available for the filing of lease offers as prescribed by 43 CFR 3112.1-2. Claude C. Kennedy, 12 IBLA 183, 184 (1973); Jack E. Griffin, 7 IBLA 155, 156 (1973).

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1/ The regulation requiring that in certain circumstances a map be filed with an oil and gas lease offer is found at 43 CFR 3101.2-3(b)(2). In a recent case, the Board pointed out that a recent recodification of the regulation left it unclear whether the map requirement was still applicable to offers for surveyed lands. Murphy Oil Corporation, 13 IBLA 160, 164 (1973).

2/ The Bureau's decision incorrectly states that appellant's lease offer was filed on February 5, 1973. Appellant calls attention to this error in his Notice of Appeal.

3/ The proper office to inquire as to the status of the land would have been the Eastern States Office, Bureau of Land Management.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Bureau is affirmed as modified.

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Martin Ritvo, Member

We concur:

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Edward W. Stuebing, Member

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Frederick Fishman, Member

